

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/K4/68

<u>Applicant</u>	One Mission Society, Inc. represented by KC Surveyors Ltd.
<u>Site</u>	5, 7 and 11 Tong Yam Street, Shek Kip Mei, Kowloon
<u>Site Area</u>	About 2,407.19m ²
<u>Land Status</u>	<p>(a) <u>New Kowloon Inland Lot (NKIL) No. 5609</u> (Northern Part, about 75% of the application site)</p> <p>[Restricted to a 30-classroom secondary school with ancillary facilities, subject to a building height (BH) restriction of 150 feet (about 45.72m) above Principal Datum and a non-building area within 10 feet of the eastern boundary]</p> <p>(b) <u>NKIL No. 4704</u> (Southern Part, about 25% of the application site)</p> <p>[Restricted for church and ancillary purposes and a school (part), subject to a BH restriction of 45.72 metres above Principal Datum (mPD) and a non-building area of 10 feet of the north-eastern boundary]</p>
<u>Plan</u>	Approved Shek Kip Mei Outline Zoning Plan (OZP) No. S/K4/29
<u>Zoning</u>	<p>“Government, Institution or Community” (“G/IC”) (about 95%) and “Open Space” (“O”) (about 5%)</p> <p>[development in the “G/IC” zone subject to a maximum BH of 8 storeys for the northern part and 10 storeys for the southern part, with a minor relaxation clause]</p>
<u>Application</u>	Proposed Redevelopment including School, Religious Institution (Church) and Flat, with Relaxation of BH Restriction

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed redevelopment including a school, a church and flats, with relaxation of BH restriction at the application site (the Site). Based on the submitted scheme, the proposed relaxation of BH restriction is for the northern part of the Site from 8 storeys to 42 storeys (i.e. +34 storeys or +425%).
- 1.2 Majority of the Site (95%) falls within an area zoned “G/IC” on the approved Shek Kip Mei OZP No. S/K4/29 (**Plan A-1**), with a minor portion (about 116.7m² or 5% of the site area) encroached upon the adjoining “O” zone¹. As only a minor portion of the Site is zoned “O”, which can be considered as minor boundary adjustment in zoning boundaries which is always permitted under the Covering Notes of the OZP, the assessment of the proposed development is based on the “G/IC” zone.
- 1.3 Under the “G/IC” zone, ‘School’ and ‘Religious Institution’ are Column 1 uses which are always permitted. However, ‘Flat’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). Based on the individual merits of a development or redevelopment proposal, minor relaxation of the BH restrictions may be considered by the Board on application.
- 1.4 According to the submission, a composite building of 42 storeys (excluding one level of basement carpark) (125.06mPD) will be erected (**Drawings A-1 to A13**), accommodating a school and a church on the lower floors and private flats (about 330 nos.) on the upper floors. The total gross floor area (GFA) is 26,425.2m² (plot ratio (PR) of 10.98), comprising a domestic GFA of 14,061.03m² (PR of 5.84) and a non-domestic GFA of 12,363.9m² (PR of 5.14).
- 1.5 Major development parameters are summarized as follows:

Development Parameters	Application Site
Site Area (about)	2,407.19m ²
Total Plot Ratio (PR) (about)	10.98
• Domestic PR (about)	5.84
• Non-Domestic PR (about)	5.14
Total Gross Floor Area (GFA)	26,425.2m ²
• Domestic GFA	14,061.3m ² (about 53% of the total)
• Non-Domestic GFA	12,363.9m ² (about 47% of the total)
- <i>School</i>	- 8,402.03m ²
- <i>Church</i>	- 3,600.87m ²
- <i>Clubhouse (for residents)</i>	- 361.00m ²

¹ Based on the submitted scheme, the proposed composite building falls within the “G/IC” zone only.

Development Parameters	Application Site
Site Coverage (SC)	
• Domestic SC	17.7%
• Non-Domestic SC	81.01%
Maximum BH (main roof)	125.06mPD
Total No. of Storeys	42 (excluding 1 basement)
No. of Blocks	1
No. of Flats (about)	330
Average Flat Size (about)	27.3m ²
Estimated No. of Residents (about)	1,320
Parking Facilities	
- Private Car Parking Spaces	69
- Motor Cycle Parking Spaces	9
- Loading/Unloading (L/UL) Spaces for Heavy Goods Vehicle	1
- L/UL Bays for Coach and Bus	3
- L/UL Bays for Taxis	2
Private Local Open Space	1,267.2m ²
Major Uses By Floor	
Basement (B/F)	Carpark
G/F to 4/F	School & Church
5/F to 6/F	School
7/F	Church & Clubhouse (for Residents)
8/F to 41/F	Flat

- 1.6 Based on the submission, lower portion of the proposed development from G/F to 7/F will be used for school and church purposes (except part of 7/F for residents' clubhouse) (**Drawings A-2 to A-9**) and the upper portion from 8/F to 41/F will be for residential use. While the lower portion will have a SC of about 81%, the residential portion on top will have a SC of about 17.7% and be erected at the north-eastern part of the Site (**Drawings A-10 and A-11**). Extracts of the master layout plan, floor layouts, elevation / section plans and photomontages of the proposed development submitted by the applicant are shown in **Drawings A-1 to A-20**.
- 1.7 A total area of 1,267.2m² private local open space will be provided on top of the podium on 4/F (255.37m²) and 8/F (1,011.83m²) (**Drawings A-6 and A-10**). According to the G/F layout plan (**Drawing A-2**), the vehicular ingress and egress point of the development is at Tong Yam Street connecting to the basement carpark (**Drawing A-14**). The school, church and residential portions of the development will each be served by its own pedestrian entrance and staircases. The anticipated completion time of the development proposal is 2021.

- 1.8 In addition to photomontages, the applicant has conducted technical assessments on traffic, geotechnical, sewerage impacts of the proposed development. The relevant reports are included in the submission (**Appendix Ia**).
- 1.9 In support of the application, the applicant has submitted the following documents:
 - (a) Application form, supporting documents and clarification letter received on 17.4.2018 (**Appendices I, Ia and Ib**)
 - (b) Letter dated 23.4.2018 clarifying the background information (**Appendix Ic**).
 - (c) Further Information dated 1.6.2018 providing responses to the comments of Environmental Protection Department (**Appendix Id**).

2. Justifications from the Applicants

The justifications put forth by the applicant in support of the application are detailed in Annex 1 of **Appendix I**. They are summarised as follows:

In Line with Planning Intention / Improving Existing GIC Facilities

- 2.1 The proposed redevelopment will increase the floor area of the existing Government, institution and community (GIC) facilities and improve existing school and religious institution facilities and thus in line with the planning intention of the “G/IC” zone.

Increasing Flat Production

- 2.2 The Government’s effort to maximize land resources and to increase flat production to meet the community’s imminent housing demand is supported. The proposed flat units would be approximately 30m² in size for meeting the community requirement. The mixed development of school, church and flats will help to foster social cohesion and harmonious living environment.

Relaxation of BH Restriction with No Major Visual Impact

- 2.3 The application includes relaxation of BH restriction for utilizing the development potential of land within urban area. The proposed BH of around 130mPD is similar to that of the adjacent proposed Tai Hang Sai Estate redevelopment and will be in harmony with the surrounding area.
- 2.4 The SC used for flats on the upper portion is only 17.7% while the BH of lower portion is no more than 8 storeys. This will minimize the impact on visual and spatial relief to the area. Photomontages have been prepared. The relaxation of BH has no major visual impact.

No Adverse Traffic, Geotechnical and Sewerage Impacts

2.5 The assessments on traffic, geotechnical and sewerage show that the proposed development has no adverse impacts on those aspects.

3. Compliance with the Owner's 'Consent/Notification' Requirement

The applicant is the sole 'current land owner' of 5 and 7 Tong Yam Street (i.e. NKIL 4704) but not of 11 Tong Yam Street (i.e. NKIL 5609). He has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the 'Owner's Consent/Notification' Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by notifying the registered land owner of 11 Tong Yam Street. Detailed information would be deposited at the meeting for Members' inspection.

4. Town Planning Board Guidelines

The TPB Guidelines No. 16 (TPB PG-No. 16) for 'Application for Development/Redevelopment within "Government, Institution or Community" Zone for Uses other than Government, Institution or Community Uses under Section 16 of the Town Planning Ordinance' (**Appendix II**) is relevant to the application. The relevant extracts of the Guidelines are as follows:

- (a) as a general rule, for sites zoned "G/IC", a major portion of the proposed development should be dedicated to GIC and other public uses including public open spaces. Otherwise, the proposed development is considered to constitute a significant departure from the planning intention of the "G/IC" zone and, unless with very strong justifications and under special circumstances, planning permission for such development would not be granted;
- (b) if the development is for predominantly non-GIC uses (e.g. more than 50% of the total site area or GFA of the development, as the case may be, are for non-GIC uses), the Board might consider rezoning the site to an appropriate zoning if the proponent could demonstrate that all the planning criteria have been met. Through zoning amendment to the relevant statutory plan, members of the public would be informed of the change in planning intention, and an opportunity could be provided for the public to comment on the zoning amendments and lodge objections for the consideration of the Board under the provisions of the Town Planning Ordinance (the Ordinance);
- (c) in general, sites zoned "G/IC" are intended to be developed or redeveloped solely for GIC uses unless it can be established that the provision of GIC facilities would not be jeopardised and the concerned Government departments have no objection to releasing a particular "G/IC" site or a certain part of it for non-GIC uses;
- (d) the proposed development should be compatible in land-use terms with the GIC uses on the site, if any, and with the surrounding areas;

- (e) the scale and intensity of the proposed development should be in keeping with that of the adjacent area. The scale and design should have regard to the character and massing of the buildings in the surrounding areas and should not cause significant adverse visual impact on the townscape of the area;
- (f) the proposed development should be sustainable in terms of the capacities of existing and planned infrastructure such as drainage, sewerage, roads, water supply and utilities in the locality and its surrounding areas;
- (g) there should be adequate provision of parking and loading/unloading facilities to serve the proposed development in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG) and to the satisfaction of the Transport Department; and
- (h) the proposed development should not cause, directly or indirectly, the surrounding areas to be susceptible to adverse environmental impacts and should not be susceptible to adverse environmental impacts from pollution sources nearby including heavily trafficked road; otherwise adequate environmental mitigation, monitoring and audit measures must be provided.

5. Previous Applications

2/F to 5/F of the existing 10-storey church building in the southern part of the Site is the subject of a previous application (No. A/K4/13) for school use when 'School (other than in free standing purpose-designed school building)' was a Column 2 use in the "G/IC" zone on the then draft OZP No. S/K4/2 (**Plan A-1**). The application was approved by the Board on 28.4.1989. Lease modification to permit the school use was approved on 15.12.1989.

6. Similar Applications

There is no similar planning application for 'Flat' use and minor relaxation of BH restriction in "G/IC" zone within the area covered by the Shek Kip Mei OZP.

7. The Site and Its Surrounding Areas (Plans A-1 to A-4)

7.1 The Site is:

- (a) located at the southern end of a GIC belt along Tong Yam Street;
- (b) consisted of two private lots. In the south is NKIL 4704 occupied by a church (the Grace Hong Kong Evangelical Church) comprising a church hall and an annex block of 10 storeys high (for ancillary church and religious education uses) built in 1989. In the north is NKIL 5609 occupied by a secondary school (United Christian College) of 5 storeys high built in 1977.

- (c) accessible via Tong Yam Street which is a one-way local road branching off Tai Hang Tung Road (**Plan A-1**).

7.2 The surrounding areas have the following characteristics:

- (a) the low-rise GIC belt extends from the Site along the western side of Tong Yam Street northwards. In addition to the subject church and school, the GIC belt accommodates a community centre (the Tai Hang Tung Community Centre), four schools and a church (co-located with the Alliance Primary School, Tai Hung Tung in the north), subject to BH restrictions of 5 and 8 storeys respectively (**Plans A-1 and A-2**).
- (b) to its immediate east, south and west are Tai Hang Tung Estate Playground No. 1, Tai Hang Tung Recreation Ground and a green knoll (about 80mPD) respectively and all are zoned "O". Further to the southwest is the Boundary Street Substation zoned "G/IC" and the Police Sports Association and Football Stadium zoned "Other Specified Uses" annotated "Sports and Recreation Club", subject to a BH restriction of 3 storeys and 10.67m respectively.
- (c) to the northeast is Tai Hang Tung Estate and to its further north is Nam Shan Estate, with BH restrictions ranging from 65 to 80mPD.
- (d) to the further northwest is the Tai Hang Sai Estate (THSE) with BHs up to 94.3 / 131mPD for its eastern / western portions respectively upon redevelopment under the approved planning application No. A/K4/67. The high-rise public housing developments of Shek Kip Mei Estate and Pak Tin Estate with BH restrictions up to 130mPD lie further beyond the THSE.
- (e) the low-rise residential area in Yau Yat Tsuen (with a general BH restriction of 10.67mPD for residential development) lies further east of the Site.
- (f) the Mass Transit Railway Shek Kip Mei Station is located about 350m northwest of the Site.

8. **Planning Intention**

- 8.1 According to the OZP, the planning intention of "G/IC" zone is primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments.
- 8.2 The Explanatory Statement (ES) of the OZP (Paragraph 9.5.1) states that the GIC developments, particularly for those which are low-rise, serve to provide visual and spatial relief to the densely built-up environment of the area.

8.3 A minor relaxation clause in respect of BH restrictions is incorporated into the Notes in order to provide incentive for developments / redevelopments with planning and design merits. Each application for minor relaxation will be considered on its own merits and the relevant criteria for consideration of such relaxation in paragraph 7.9 of the ES of the OZP are as follows:

- (a) amalgamating smaller sites for achieving better urban design and local area improvements;
- (b) accommodating the bonus PR granted under the Buildings Ordinance in relation to surrender/dedication of land/area for use as public passage/street widening;
- (c) providing better streetscape/good quality street level public urban space;
- (d) providing separation between buildings to enhance air ventilation and visual permeability; and
- (e) other factors, such as site constraints, need for tree preservation, innovative building design and planning merits that would bring about improvements to townscape and amenity of the locality, provided that no adverse landscape and visual impacts would be resulted from the innovative building design.

9. Comments from Relevant Government Departments

9.1 The following Government departments have been consulted and their views on the application are summarized as follows:

Land Administration

9.1.1 Comments of the District Lands Office/Kowloon, Lands Department (DLO/KW, LandsD):

- (a) There is no objection to the planning application.
- (b) The Site covers NKIL 4704 and NKIL 5609.
- (c) NKIL 4704 (southern part of the Site) is held under Government Lease dated 5.11.1968 (as extended by Particulars and Conditions of Extension of Lease Term dated 17.11.1994) and modified by Deed of Variation dated 26.2.1988 and a modification letter dated 15.12.1989 respectively granted by private treaty for the purpose of a church (together with such ancillary purposes as may be approved by the Director) and a school from the 2/F to 5/F of a building erected on a specified portion of the lot containing a total GFA of

573m² or thereabouts. The lease conditions of NKIL 4704 also contain, amongst others, a height restriction of 45.72mPD, non-building area within 10 feet of the north-eastern boundary, a cessation or diminution of user restriction and a non-alienation restriction.

- (d) NKIL 5609 (northern part of the Site) is held under Government Lease dated 31.10.1975 (as extended by Particulars and Conditions of Extension of Lease Term dated 20.7.1994) and modified by Deed of Variation dated 15.10.1980 and a modification letter dated 20.3.1992 respectively granted by private treaty that restricted for a 30-classroom secondary school building with ancillary facilities to accommodate 30 classes as shall be approved by the Director of Education together with such domestic quarters as the Director of Education may consider reasonable for housing staff and workmen on the premises. The lease conditions of NKIL 5609 also contain, amongst others, a height restriction of 150 feet above Principal Datum (i.e. about 45.72mPD), non-building area within 10 feet of the eastern boundary, a cessation or diminution of user restriction and a non-alienation restriction.
- (e) The proposed development is not in compliance with the lease conditions of the two respective lots, which are held under different ownership. If the planning application is approved by the Board, the lot owners have to apply to LandsD for a modification of the lease conditions. However, there is no guarantee that the lease modification and/or land exchange application will be approved. Such application, if received by LandsD, will be considered by LandsD acting in the capacity of Landlord at its sole discretion and subject to policy clearance. In the event any such application is approved, it would be subject to such terms and conditions including, amongst others, the payment of premium and administrative fee as imposed by LandsD.

Building Aspect

9.1.2 Comments of the Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD):

He has no objection in principle to the application subject to the comments below:

- (a) the proposal should in all aspects comply with the Buildings Ordinance;
- (b) the existing street area, if any, within lot boundary should be excluded from site area for the purpose of PR and SC calculations;

- (c) the site classification, site area, PR and SC of the overall redevelopment should be clarified;
- (d) under the Practice Notes for Authorised Person, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-2, 100% GFA concession may be granted for underground carpark while only 50% GFA concession may be granted for aboveground private carpark. In this connection, the main level of all abutting streets and structural ceiling soffit of the proposed carparks should be clarified; and
- (e) detailed comments under the Buildings Ordinance will be given at the building plan submission stage.

Traffic

9.1.3 Comments of the Commissioner of Transport (C for T):

- (a) He has reservation on the application.
- (b) He has comments on the Traffic Impact Assessment (TIA) regarding the parking provisions and L/UL requirement, carpark layout, review on existing pedestrian facilities, traffic improvement measures and existing traffic condition during schools starting and finishing times in the morning and afternoon, which are detailed in **Appendix V**. There is insufficient information provided in the TIA to demonstrate that the proposed development would have no adverse traffic impacts on the surrounding areas.

Environmental

9.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) He has no objection to the application from the environmental perspective.

Air

- (b) Based on the information provided and further clarification from the applicant, he notes that the distance between the road kerb of Tong Yam Street (which is a local road) and the building line of the proposed building is 6m and no chimney was found within 200m from the proposed building. On this basis, adverse air quality impact arising from the proposed development is not anticipated.

Noise

- (c) The Site is fronting the Tong Yam Street to the east, which is a single 1-lane one-way local road with 2016 annual average daily traffic (AADT) of 2,800 vehicles/day, a school to the north and some sport fields to the south, and a piece of hillside to the west (at the back). As the Tong Yam Street would have a relatively low traffic flow, and the residential development was proposed to be built on top of an 8-storey podium, insurmountable noise impact on the proposed development is not anticipated.
- (d) Notwithstanding this, a quantitative noise impact assessment (NIA) against the road traffic noise affecting the church, school and residential development should be conducted to ensure that all the relevant noise requirements under the HKPSG could be met with accordingly. In addition, the applicant should ensure that the new church will not have any special activities, including ringing of the church bells, conducting noisy group activities in the open space, that would affect the residents on the upper floors of the development.
- (e) To ensure the submission of a NIA and implementation of the noise mitigation measures identified in the NIA, the following approval condition is suggested to be imposed:

‘the submission of a Noise Impact Assessment and implementation of the noise mitigation measures identified therein for the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board.’

Sewerage

- (f) Insurmountable sewerage impact arising from the proposed development is not anticipated. Having said that, the applicant should address his technical comments on the submitted Sewerage Impact Assessment (SIA) as detailed in Appendix IV for clarification purpose. To ensure the potential sewerage impacts arising from the proposed development are properly addressed, the following approval conditions are suggested to be imposed:
 - (i) the submission of a revised Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board; and
 - (ii) the implementation of the local sewerage upgrading/sewerage connection works identified in the Sewerage Impact Assessment in planning condition (i) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board.’

Urban Design, Air Ventilation and Landscape

9.1.5 Comments of the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD) :

Based on the information provided, he has the following comments from architectural and visual impact points of view:

- (a) It is noted that the proposed development with BH of 125.06mPD is about 56.3% higher than adjacent residential developments with BHs ranging from 65mPD to 80mPD. It is undesirable from visual impact point of view and may not be compatible to adjacent residential developments.
- (b) 20% greenery within the Site shall be provided in accordance with PNAP APP-152 'Sustainable Building Design Guidelines'.

9.1.6 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

Urban Design and Visual

- (a) While there may be advantages for the proposed vertical mixed-use high-rise development, the question is whether the Site would lend itself to such form of development, particular in terms of siting. The Site is located within a GIC belt to the west of Tong Yam Street where there are primary schools, an international school and a community centre currently with BH ranging from about 3 to 5 storeys to its immediate north and northwest. Furthermore, this GIC belt is surrounded by open space with a football field to the east on the other side of Tong Yam Street, Tai Hang Tung Recreation Ground to the south and a natural knoll of about 80mPD to the west. To its northeast is the Tai Hang Tung Estate with BH restrictions of 65mPD to 80mPD. Hence, the proposed development involving a BH of about 125.06mPD may not respond well to the context and character of the neighbourhood. Introduction of a distinctively tall building in the area would also be precedent setting and may lead to the eventual transition of the area to a higher height band.

Air Ventilation

- (b) The Site does not fall within any major wind corridors and the proposed development does not fall within the criteria for air ventilation assessment (AVA) under the Joint HPLB-ETWB Technical Circular on AVA No. 1/06. As such, no AVA is required

and no significant impact is anticipated.

Landscape

- (c) The Site is mostly occupied by the existing school and church buildings. Significant landscape impact arising from the proposed development is not anticipated.
- (d) There is no objection to the application from the landscape planning point of view. However, with reference to the broad development parameters, private open space of 1,267.2m² will be provided, which is apparently not shown / justified in the current layout plan that sufficient provision will be provided. With a design population of 1,320 for the residential portion, the proposed provision of open space of about 1,267m² falls short of that required under the HKPSG (i.e. 1m² per 1 person).
- (e) The circulation of open spaces on 4/F and 8/F should be indicated clearly and the applicant should also clarify if the proposed open spaces are accessible by all residents and/or church users.

Drainage and Sewerage Aspects

9.1.7 Comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD):

- (a) He has no comments on the application.
- (b) His detailed comments on the SIA are at **Appendix V**.

Fire Safety

9.1.8 Comments of the Director of Fire Services (D of FS):

- (a) He has no in-principle objection to the application subject to fire service installations and water supplies for firefighting being provided to the satisfaction of his department.
- (b) Detailed fire services requirements will be formulated upon receipt of formal submission of building plans.
- (c) The arrangement of emergency vehicular access shall comply with Section 6, Part D of the 'Code of Practice for Fire Safety in Buildings 2011' which is administered by the Buildings Department.

Geotechnical

9.1.9 Comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);

- (a) He has no geotechnical comment on the application.
- (b) Further geotechnical comments will be provided upon receipt of the relevant geotechnical submission in future.

School and Religious Institution Requirements

9.1.10 Comments of the Secretary for Education (SED):

- (a) He raises objection to the application.
- (b) United Christian College is a caput school established since 1964. He understands that it is under Government Lease of NKIL 5609 with the School Sponsoring Body, United Christian College Limited, as the land owner.
- (c) He considers that the school building should be free-standing and purpose-built with adequate ancillary facilities under the HKPSG. Moreover, he reckons that the site may only be allowed to running of a non-profit-making school as stipulated in the land lease.

9.1.11 Comments of the Secretary of Home Affairs (SHA):

- (a) She has no objection to the application.
- (b) Under the prevailing policy, land grant cases relating to religious facilities by religious organisations may be allowed a concessionary premium of 2/3 of the best alternative full market value with their policy support. The conditions that have to be satisfied for the Home Affairs Bureau to consider giving the aforesaid policy support are as follows:
 - (i) the applicant has to be a bona fide religious organisation;
 - (ii) the applicant has to be a charitable organisation under section 88 of the Inland Revenue Ordinance; and
 - (iii) the facilities concerned are for places of worship and ancillary use.

- (c) She would normally adopt the same principles in considering planning applications related to religious facilities. The applicant fulfills the criteria (i) and (ii) above and the proposed church portion is of religious purposes.

Local Views

9.1.12 Comments of District Officer (Sham Shui Po), Home Affairs Department (DO/SSP, HAD):

- (a) The local District Councillor (Mr. Tam Kwok-kiu) together with six members of the Sham Shui Po District Council (SSPDC) submitted a paper namely “反對棠蔭街教育用地加建私人住宅” (**Appendix IV**) for the meeting of Community Affairs Committee (CAC) under the SSP DC held on 24.5.2018.
- (b) At the meeting, some CAC members enquired if such application with the co-existence of school and private residential building was allowed under the current policy of EDB. Some members wondered if the revenue generated by private residential buildings was allowed if the Site was rented to the school on nominal rent. They were worried that the proposed change would adversely affect the operation of the school. Some members were also concerned that this application if approved would set a precedent for other redevelopment along Tong Yam Street. In conclusion, CAC objected to the captioned application.

9.2 The following Government departments have no comment/no objection to the application:

- (a) Chief Highway Engineer/Kowloon, Highways Department (CHE/K, HyD);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Commissioner of Police (C of P); and
- (d) Director of Leisure and Cultural Services (DLCS).

10. Public Comments Received During Statutory Publication Period

- 10.1 On 24.4.2018, the application was published for public inspection. During the three-week statutory public inspection period ending on 15.5.2018, 26 public comments were received (**Appendix III**). Among the public comments received, 4 support the application and the remaining 22 raise objections to and/or express concerns on the application. These comments are from a political party (Hong

Kong Association for Democracy and People's Livelihood (HKADPL)), local concerned groups (大坑東互助中心、大坑西邨居民權益關注組、深東互助中心、深水埗民生關注組), the local District Councillor for the Site, principals of the existing school within the Site and a neighboring school, a representative of nearby church, local residents and individual members of the public.

10.2 Among the 4 supporters, one is the principal of United Christian College (the school in the Site) who considers that the proposal could provide more floor spaces for the school, and others are individual members of the public. Major grounds of the support are summarized as follows:

- (a) the proposed development would provide more floor spaces for the existing school and church to providing service to the children and surrounding residents;
- (b) the proposed development would provide more flats. The approval of the proposal would raise interest of other developers to submit similar applications to optimise land resources; and
- (c) the residential portion will be completely separated from the school portion and thus have no impact to the school operation.

10.3 The objections or concerns are from the HKADPL, a school and church nearby, a local District Councillor, local concerned groups (大坑東互助中心、大坑西邨居民權益關注組、深東互助中心、深水埗民生關注組), local residents, and individual members of the public. The objection reasons and the concerns are summarised as follows:

- (a) the proposed development is not in line with the planning intention of the "G/IC" zone with over 50% of the total bulk for residential purpose. The Site should be used for development of GIC facilities rather than residential development;
- (b) the proposed development with private flats will completely change the character of the neighbourhood which is mainly occupied by GIC facilities and Tai Hang Tung Estate. The location of the private flats, school and church within one building would also create management problems.
- (c) the proposed BH of 42 storeys (excluding 1 basement) is excessive and not a minor relaxation of BH restrictions. With a BH much higher than the adjacent knoll, nearby GIC facilities and Tai Hang Tung Estate, the proposed development would pose adverse visual, air ventilation and natural light impacts;
- (d) the proposed PR is excessive. The average flat size is too small.
- (e) the approval of the proposed development would set an undesirable precedent for similar cases with mixed-use development on GIC land in the surrounding areas;

- (f) the proposed development would attract more traffic which will aggravate the congestion problem of the area and pose traffic safety concern to the nearby residents and students in the neighbourhood. The submitted TIA cannot demonstrate that there would be no adverse traffic impacts;
- (g) the proposed development would generate nuisances to the users of the existing school and church as well as the neighbourhood. There will be adverse impacts on the environment, safety and noise to the surrounding area during the construction stage;
- (h) the proposed development is not in line with the education policy of 'Year 2000' design in providing more space and improved facilities for schools; and
- (i) consultation should first be carried out among stakeholders (including local residents, school and the Government) to formulate a plan for better utilisation of the land. Moreover, the project proponent should submit a community assessment to evaluate the impact of the proposed development to the community.

11. Planning Considerations and Assessments

- 11.1 The application is for redevelopment of the existing school and church at the Site which is mainly zoned "G/IC" (95%) with a minor portion (5%) zoned "O" on the OZP. As only a minor portion of the Site falls within the "O" zone, the application is assessed against the planning intention of the "G/IC" zone. The redevelopment proposal is for a composite building comprising a church and a school at lower 8 floors (G/F to 7/F), a residential tower on the upper 34 floors (8/F to 41/F), and a basement carpark. The proposed BH is 125.06mPD (42 storeys excluding basement). The total GFA is 26,425.2m², with a PR of 10.98. About 53% of the GFA is for domestic use and 47% for non-domestic use.
- 11.2 According to the Notes for "G/IC" zone in the OZP, school and religious institution are always permitted in the zone. However, planning permission from the Board is required for 'Flat' and for minor relaxation of BH restriction.

Planning Intention

- 11.3 The planning intention of "G/IC" zone is primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments. According to the ES of the OZP, such developments, particularly for those which are low-rise, serve to provide visual and spatial relief to the densely built-up environment of the area.

- 11.4 While the school and church portions of the proposed development are in line with the planning intention of the “G/IC” zone, the residential portion would have a domestic GFA of about 14,061m², equivalent to about 53% of the total GFA. The redevelopment proposal with over 50% of GFA for residential use does not comply with the TPB Guidelines No. 16 (paragraphs 4(a) and (b) above refer) as the major use of the Site is not dedicated to GIC and other public uses. The proposed redevelopment is considered constituting a significant departure from the planning intention for “G/IC” zone. It is considered that application for rezoning the Site for the redevelopment proposal is more appropriate if proponent could demonstrate that all the planning criteria as stated in paragraph 2 of TPB Guidelines No. 16 (**Appendix II**), as summarized in paragraph 4 above, have been met.

Compatibility with Surrounding Areas and Development Intensity

- 11.5 Although the Site is surrounded by schools and open space, there are also residential developments in its vicinity. Tai Hang Tung Estate, for example, is located about 50m to its northeast. In view of this, the proposed residential use at the Site may not be considered incompatible with the surrounding developments in land use term.
- 11.6 However, the proposed total PR of 10.98 for the development is considered excessive. Existing development located closest to the Site is Tai Hang Tung Estate which is zoned “Residential (Group A)” (“R(A)”) intended primarily for high-density residential development. According to the Notes of the “R(A)” zone, the maximum total PR is 9 for a composite development. The proposed PR is even greater than the maximum PR permitted under the “R(A)” zone.
- 11.7 Besides, the proposed maximum BH of 125.06mPD is considered incompatible with the character of this neighbourhood which is characterized by low-rise GIC facilities and open space to its immediate north, east, south and west, and medium-rise residential development to its northeast, namely Tai Hang Tung Estate, with maximum BHs of 65mPD and 80mPD under the OZP.

Building Height Relaxation

- 11.8 The Site is subject to a BH restriction of 8 storeys at the northern part and 10 storeys in the southern part under the OZP. Based on the submitted scheme, the proposed relaxation of BH restriction is from 8 storeys to the proposed 42 storeys for the northern portion. With a proposed increase of 34 storeys (+425%) compared with the OZP restriction, the proposed relaxation cannot be regarded as minor. There is no provision under the OZP to consider relaxation of the BH restrictions, which is not minor.
- 11.9 Notwithstanding the applicant’s justifications that the proposal is able to increase housing supply to meet the community need, there is insufficient justification on

the planning and design merits to relax the BH restriction to 42 storeys (125.06mPD).

Visual, Air Ventilation and Landscape

- 11.10 From the visual impact point of view, CA/CMD2, ArchSD considers that the proposed development is undesirable as its BH is about 56% higher than the adjacent Tai Hang Tung Estate with BH ranges from 65mPD to 80mPD. It may not be compatible to the adjacent residential developments. CTP/UD&L, PlanD states that the proposed development may not respond well to the context and character of the neighbourhood. Introduction of a distinctively tall building in the area would be precedent setting and may lead to the eventual transition of the area to a higher height band.
- 11.11 With a design population of 1,320 for the residential portion, the proposed provision of private open space of about 1,267m² falls short of that required under the HKPSG (i.e. 1m² per 1 person).
- 11.12 CTP/UD&L, PlanD has no adverse comment from the air ventilation perspective.

Technical Assessments

- 11.13 On the traffic aspect, TD has reservation on the proposal as there is insufficient information in the application to demonstrate no adverse traffic impacts to be generated from the proposed development. Regarding the environmental impacts, EPD advises that a noise impact assessment and a revised sewerage impact assessment, with proposed mitigation measures, should be submitted to ensure all relevant requirements are met with, although no insurmountable problems are anticipated. Other departments such as GEO of CEDD, WSD, DSD and HyD have no adverse comment on or objection to the application.

School and Religious Institution Requirements

- 11.14 The affected GIC facilities in this application involve a church and a school. While SHA has no objection to the application, SED objects to the application. SED considers that the concerned school building should be free-standing and purpose-built with adequate ancillary facilities according to the HKPSG. As Education Bureau, being one of the concerned Government bureau, objects to the application, the TPB Guidelines No. 16 (paragraph 4(c) above refers) cannot be considered complied with.
- 11.15 The applicant does not provide information on the interim arrangement for the operation of the existing school during the construction stage.

Undesirable Precedent

11.16 There is no approved application for 'Flat' use with relaxation of BH restriction in the "G/IC" zone within the Shek Kip Mei area. The proposed development intensity in terms of PR and BH is considered excessive (paragraphs 11.6 and 11.7 above refer). Besides, there is insufficient information in the TIA to demonstrate that there is no adverse traffic impact generated from the proposal. Approval of the application would set an undesirable precedent for similar applications in the "G/IC" zone, in particular the subject GIC belt where there are other four schools located in the immediate north of the Site. The potential cumulative effect of approving such application would result in adverse visual and traffic impacts in the area.

Public Comments

11.17 Regarding the views of the CAC of the SSPDC and the public comments received, the planning assessment above and departmental comments in paragraph 9 are relevant.

12. Planning Department's Views

12.1 Based on the assessment made in paragraph 11 and having taken into account the local / public comments mentioned in paragraphs 9.1.12 and 10, Planning Department does not support the application for the following reasons:

- (a) the proposed development predominantly for residential use is not in line with the planning intention of the "Government, Institution or Community" zone under the Shek Kip Mei Outline Zoning Plan (OZP). It also does not comply with the Town Planning Board Guidelines No. 16 in that the major portion of the proposed development is not dedicated to GIC or other public uses, the scale and intensity of the proposed development is not in keeping with that of the adjacent areas, and the applicant fails to demonstrate that the proposed development will not cause adverse traffic impact on the surrounding areas;
- (b) the proposed relaxation of building height (BH) restriction from 8 storeys to 42 storeys is not minor and there is no provision under the OZP for the Town Planning Board to consider the proposed relaxation of BH restriction which is considered not minor; and
- (c) approval of the application will set an undesirable precedent for other similar applications within the "G/IC" zone. The cumulative effect of approving such applications would result in adverse visual and traffic impacts in the area.

- 12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid until 15.6.2022, and after the said date, the permission shall cease to have effect unless, before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' consideration:

Approval conditions

- (a) the submission of a Noise Impact Assessment and implementation of the noise mitigation measures identified therein for the proposed development to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (b) the submission of a revised Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the Town Planning Board;
- (c) the implementation of the local sewerage upgrading/sewerage connection works identified in the revised Sewerage Impact Assessment in planning condition (b) above to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (d) the submission of a Traffic Impact Assessment to the satisfaction of the Commissioner of Transport or of the Town Planning Board;
- (e) the design and provision of vehicular access, parking facilities and loading / unloading space for the proposed development to the satisfaction of the Commissioner of Transport or of the Town Planning Board; and
- (f) the design and provision of fire service installations and water supply for firefighting to the satisfaction of the Director of Fire Services or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix VI**.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

- 13.3 Alternatively, should the Committee decide to approve the application, Members are invited to consider the approval conditions and advisory clauses, if any, to be attached to the permission, and the date when the validity of the permission should expire.

14. Attachments

Appendix I	Application form received on 17.4.2018
Appendix Ia	Supporting documents received on 17.4.2018
Appendix Ib	Letter received on 17.4.2018
Appendix Ic	Letter dated 23.4.2018 clarifying the background information
Appendix Id	Further information dated 1.6.2018 providing response to the comments of the Environmental Protection Department
Appendix II	Town Planning Board Guidelines No.16
Appendix III	Public comments received during the statutory public periods
Appendix IV	Sham Shui Po District Council Community Affairs Committee (CAC) Paper No. 35/18 for CAC meeting held on 24.5.2018
Appendix V	Summary of detailed comments of departments
Appendix VI	Recommended advisory clauses
Drawing A-1	Master Layout Plan
Drawings A-2 to A-11	Floor Plans
Drawings A-12 to A-13	Elevation and Section Plans
Drawing A-14	Internal Transport Layout at B/F
Drawings A-15 to A-20	Photomontages
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3 to A-4	Site Photos

PLANNING DEPARTMENT

June 2018